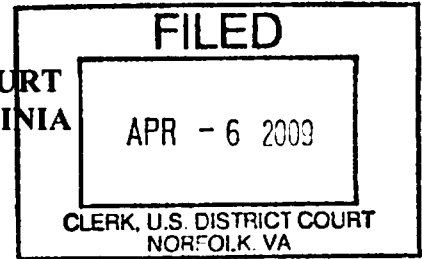


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



BID FOR POSITION, LLC,

Plaintiff,

v.

Civil Action No. 2:07cv582

**AOL, LLC, and
GOOGLE. INC.,**

Defendants.

ORDER

It has come to the attention of the court that the defendants' unopposed "Motion to Seal Certain Exhibits to the Declaration of Emily C. O'Brien and Portions of the Reply Memorandum in Support of Defendants Google and AOL's Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 7,225,151" filed on August 11, 2008 may still be outstanding. The court was under the impression after contacting counsel for the defendants that an agreed order would be submitted to the court, as had been the situation with all the other motions to seal in this case. However, no agreed order was submitted, and it appears to the court that the motion is still pending. As far as the court is aware, these documents were filed under seal and have remained under seal since August 11, 2008. However, to the extent it may be necessary, the court **GRANTS** the defendants' motion to seal nunc pro tunc August 11, 2008, and **ORDERS** that the Exhibits 2 through 4 and the corresponding portions of the defendants' reply memorandum in support of the defendants' motion for summary judgment be filed under seal as of August 11, 2008. The court shall retain the sealed materials until forty-five (45) days after entry of the final order.

The court notes that since August 11, 2008, the parties have agreed that certain portions of these exhibits and the defendants' reply memorandum no longer need to remain under seal. Pursuant to a joint motion by the parties, the court entered an "Agreed Order Making Public Portions of Certain Briefs, Declarations, and Exhibits Filed Under Seal" on April 6, 2009, and modified this order.

The Clerk is **REQUESTED** to send a copy of this Order to all counsel of record.

IT IS SO ORDERED.

/s/ 

Jerome B. Friedman
United States District Judge

April 6, 2009
(Nunc Pro Tunc: August 11, 2008)
Norfolk, Va.